

# **INFORMATION SHEET**

## **DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Saint Paul District

**FILE NUMBER:** MVP-3-GRK

**PROJECT MANAGER:** Gary Knapton

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office? Y ☒ N ☐ Date: 01/04/2005  
At the project site? Y ☐ N ☐ Date:

**PROJECT LOCATION INFORMATION:**

State: **Wisconsin**

County: **Winnebago**

Center coordinates of site by latitude & longitude: **44.18743574, -88.6114963121**

Approximate size of site/property (including uplands) in acres: **40**

Name of waterway or watershed: **Tributary to the Arrowhead River, Wolf River Wisconsin watershed.**

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	<b>X</b>								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			<b>X</b>		
Is or would be used as habitat by other migratory birds that cross state lines?			<b>X</b>		
Is or would be used as habitat for endangered species?					<b>X</b>
Is used to irrigate crops sold in interstate commerce?					<b>X</b>

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary ☐ Or Approved: ☒

**FILE NUMBER: MVP- 3-GRK**

**ADDITIONAL INFORMATION SUPPORTING njd** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

**The wetland is located within a depressional area surrounding a man-made pond on the property. Although no site inspection by the Corps was made, a wetland delineation report was completed for the property and concurred with by the Corps.**

**The delineation reports identified the area as `depressional'and man-made. The isolated wetland is located in an area of non-hydric soils. Neither the Wisconsin Wetland Inventory Maps or the information contained in the delineation report indicate any connection to a surface water resource or other wetland.**

**Three wetlands were identified on the property. Wetlands 2 & 3 , an area of 3.90 acres within the study area, was determined to be adjacent to a tributary to the Arrowhead River. The Arrowhead River flows to the Wolf River, a navigable water of the US. Wetland 1 is 0.67 acres and has been determined to be isolated. There is no evidence of use by interstate or foreign travelers or, because of limited seasonal open water, use as fish or shellfish production or sales in interstate commerce.**